**In the High Court of Justice, Family Division**



**No: [*Case number*]**

**[The Child Abduction and Custody Act 1985 incorporating the 1980 Hague Convention on the Civil Aspects of International Child Abduction] /**

**[The Senior Courts Act 1981] /**

**[Council Regulation (EC) No. 2201/2003] /**

**[The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition and Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children]**

**The child[ren]**

**[Name of child] [Girl] / [Boy] [*dob dd/mm/yy*]**

**[Name of child] [Girl] / [Boy] [*dob dd/mm/yy*]**

After hearing [*name the advocate(s) who appeared*]

After consideration of the documents lodged by the applicant

After reading the statements specified in paragraph [*para number*] of the Recitals below

After the solicitors for the applicant contacting the Tipstaff on [date and time]

After the making of a [Collection] / [Location] / [Passport] Order, the court being satisfied that such order was necessary and proportionate having regard to the risks assessed to exist on the evidence

**ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**IMPORTANT WARNING TO [*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]**

**If you [*respondent name*] disobey this order you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized.**

**If any other person who knows of this order and does anything which helps or permits you [*respondent name*] to breach the terms of this order they may be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**

You [*respondent name*]have the following legal rights:

1. to seek legal advice. This right does not entitle you to disobey any part of this order until you have sought legal advice;
2. to require the applicant’s solicitors, namely [*applicant firm name*], [*applicant firm address*], [*applicant firm phone number*] to provide you with a copy of any application form[s], affidavit[s], note of the hearing and a note of oral evidence referred to in paragraph [*para number*] below;
3. to apply, whether by counsel or solicitor or in person, to the Urgent High Court Applications’ Judge at the Royal Courts of Justice, Strand, London, if practicable after giving notice to the applicant’s solicitors and to the court, for an order discharging or varying any part of this order. This right does not entitle you to disobey any part of this order until your application has been heard;
4. if you do not speak or understand English adequately, to have an interpreter present in court at public expense in order to assist you at the hearing of any application relating to this order.

**The parties**

1. The applicant is [*applicant name*] (represented by [*applicant firm name*])

The respondent is [*respondent name*]

**(Specify any additional respondents)**

**(Specify if any adult party acts by a litigation friend)**

**(Specify if the children or any of them act by a children’s guardian)**

1. Unless otherwise stated, a reference in this order to ‘the respondent’ means all of the respondents.

**Definitions**

1. The Tipstaff is the enforcement officer of the High Court at the Royal Courts of Justice. [He] / [She] has a deputy and assistants and can authorise police officers to act on [his] / [her] behalf. Any obligation to give information to the Tipstaff or to hand over a document to [him] / [her] includes an obligation to do so to [his] / [her] deputy or assistant or a police officer acting on [his] / [her] behalf.
2. A [Collection] / [Location] / [Passport] Order is an order directed to the Tipstaff authorising [him] / [her] to take steps to [collect the child] / [locate the respondent and thereafter to seize any passport or other travel documents from them] / [seize any passport or other travel document held by the respondent as applicable].

**Recitals**

1. This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent is because:
   1. [*Insert reasons identifying (i) exceptional urgency; or (ii) why the child’s welfare would have been compromised if the respondent had been alerted in advance; or (iii) that the whereabouts of the child and respondent are unknown*]
2. The judge read the following documents:
   1. [*Insert*]
3. [The judge heard the following oral evidence:]
   1. [*Insert*]

**Undertakings to the court by the solicitors for the applicant**

1. The solicitors for the applicant undertake:
   1. To issue these proceedings forthwith and in any event by no later than [*date*];
   2. To pay the without notice application fee forthwith and in any event by no later than [*date*];
   3. To serve these proceedings on the respondent at the earliest available opportunity, but subject to execution of the Tipstaff [Collection] / [Location] / [Passport] Order.

**Mediation**

1. At the hearing listed below the applicant and the respondent shall each be given an opportunity (that day or on another day to be fixed) to make contact (whether in person, by telephone or otherwise) separately with the court based mediator to enable the court based meditator to discuss the possibility of the parties engaging in mediation under the Child Abduction Mediation Scheme or through another non-court dispute resolution procedure and, where appropriate, undertake a screening interview.

**IT IS ORDERED THAT:**

1. The application be adjourned and relisted for summary resolution or in the alternative further directions before a High Court Judge of the Family Division sitting in [private] / [open court] at [*place*] on [*date*], at [*time*] with a time estimate of [*time estimate*].
2. The applicant shall no later than [*time and date*] file and serve any further evidence that [he] / [she] intends to rely upon including any protective measures (including orders that may be subject to registration under article 11 of the 1996 Hague Convention or, where appropriate, undertakings) that the applicant is prepared, without prejudice to [his] / [her] case, to offer for the purpose of securing the child’s return to [*State*].
3. The respondent shall attend at the hearing listed pursuant to paragraph [10] / [para number] (above), together with [solicitors and] counsel if so instructed. [A penal notice is attached to this paragraph.]
4. In the event that [he] / [she] intends to defend these proceedings the respondent shall by no later than [*time and date*] file and serve:
   1. An answer, specifying the article[s] of the 1980 Hague Convention upon which [he] / [she] intends to rely and the particulars of information [he] / [she] seeks to rely upon relating to each article;
   2. Any and all evidence upon which [he] / [she] intends to rely in support of that answer;
   3. Any protective measures (including orders that may be subject to registration under article 11 of the 1996 Hague Convention or, where appropriate, undertakings) seeks in the event that the court were to order the child[ren]’s return.
5. HMCTS shall arrange for the attendance at the hearing provided for above an interpreter who speaks the language and dialect set out in section 11 of the applicant’s Form 67.
6. [*Insert further directions as to how the child is to be heard, if appropriate*]
7. The applicant is to effect personal service of this order along with a record of this without notice hearing on the respondent.
8. Costs be reserved.

Dated [*date*]

**Notice pursuant to PD 37A para 2.1**

You [*applicant solicitor name*] may be fined or sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be fined or sent to prison for contempt of court

[on behalf of] [*applicant solicitor name*]